

House File 2368

H-8064

1 Amend House File 2368 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 714G.1, subsection 1, Code  
5 2014, is amended to read as follows:

6 1. *“Consumer”* means an individual who is a resident  
7 of this state sixteen years of age or older who does  
8 not otherwise meet the definition of a protected  
9 consumer and who is not subject to a protected consumer  
10 security freeze.

11 Sec. 2. Section 714G.1, Code 2014, is amended by  
12 adding the following new subsections:

13 NEW SUBSECTION. 7A. *“Protected consumer”* means  
14 an individual who is either under sixteen years of  
15 age at the time a request for a protected consumer  
16 security freeze is made for the individual or is an  
17 incapacitated person or a protected person for whom a  
18 guardian or conservator has been appointed.

19 NEW SUBSECTION. 7B. *“Protected consumer security*  
20 *freeze”* means one of the following:

21 a. If a consumer reporting agency does not have a  
22 file pertaining to a protected consumer, a restriction  
23 that is placed on the protected consumer’s record in  
24 accordance with section 714G.8A that prohibits the  
25 consumer reporting agency from releasing the protected  
26 consumer’s record except as provided in that section.

27 b. If a consumer reporting agency has a file  
28 pertaining to a protected consumer, a restriction  
29 that is placed on the protected consumer’s consumer  
30 credit report in accordance with section 714G.8A that  
31 prohibits the consumer reporting agency from releasing  
32 the protected consumer’s consumer credit report or  
33 any information derived from the protected consumer’s  
34 consumer credit report except as provided in that  
35 section.

36 NEW SUBSECTION. 7C. *“Record”* means a compilation  
37 of information that includes or satisfies all of the  
38 following:

39 a. Identifies a protected consumer.

40 b. Is created by a consumer reporting agency solely  
41 for the purpose of complying with section 714G.8A.

42 c. Is not created or used to consider the protected  
43 consumer’s credit worthiness, credit standing, credit  
44 capacity, character, general reputation, personal  
45 characteristics, or mode of living.

46 NEW SUBSECTION. 7D. *“Representative”* means a  
47 protected consumer’s parent, guardian, or custodian  
48 who provides to a consumer reporting agency sufficient  
49 proof of authority to act on behalf of a protected  
50 consumer.

1 NEW SUBSECTION. 8A. "*Sufficient proof of authority*"  
2 means documentation that shows a representative has  
3 authority to act on behalf of a protected consumer,  
4 which may be demonstrated in the form of an order  
5 issued by a court of law, a lawfully executed and valid  
6 power of attorney, or a written notarized statement  
7 signed by the representative that expressly describes  
8 the authority of the representative to act on behalf of  
9 a protected consumer.

10 NEW SUBSECTION. 8B. "*Sufficient proof of*  
11 *identification*" means one or more of the following:  
12 a. A protected consumer's social security number or  
13 a copy of a social security card issued by the federal  
14 social security administration.

15 b. A certified or official copy of a protected  
16 consumer's birth certificate issued by the entity  
17 authorized to issue the birth certificate.

18 c. A copy of a protected consumer's driver's  
19 license, a protected consumer's nonoperator's  
20 identification card issued by the state department  
21 of transportation, or any other federal or state  
22 government-issued form of identification pertaining to  
23 a protected consumer.

24 Sec. 3. Section 714G.8, unnumbered paragraph 1,  
25 Code 2014, is amended to read as follows:

26 A security freeze or protected consumer security  
27 freeze shall not apply to the following persons or  
28 entities:

29 Sec. 4. NEW SECTION. 714G.8A **Protected consumer**  
30 **security freeze.**

31 1. A consumer reporting agency shall implement  
32 a protected consumer security freeze for a protected  
33 consumer if the consumer reporting agency receives a  
34 request from the protected consumer's representative  
35 for the placement of the protected consumer security  
36 freeze pursuant to this section and the protected  
37 consumer's representative complies with all of the  
38 following:

39 a. Submits the request to the consumer reporting  
40 agency at the address or other point of contact and in  
41 the manner specified by the consumer reporting agency.

42 b. Provides sufficient proof of identification of  
43 the protected consumer and the representative.

44 c. Provides sufficient proof of authority to act on  
45 behalf of the protected consumer.

46 d. Payment of the fee specified in subsection 5.

47 2. a. A protected consumer security freeze  
48 requested pursuant to subsection 1 shall commence  
49 within thirty days after the request is received.  
50 If a consumer reporting agency does not have a file

1 pertaining to a protected consumer when the consumer  
2 reporting agency receives the request, the consumer  
3 reporting agency shall create a record for the  
4 protected consumer within thirty days after the request  
5 is received.

6     *b.* While a protected consumer security freeze  
7 is in effect, a consumer reporting agency shall not  
8 release the protected consumer's consumer credit  
9 report, any information derived from the protected  
10 consumer's consumer credit report, or any information  
11 contained in the record created for the protected  
12 consumer. The protected consumer security freeze  
13 shall remain in effect until the protected consumer  
14 or the protected consumer's representative requests  
15 the consumer reporting agency to remove the protected  
16 consumer security freeze pursuant to subsection 3, or  
17 the consumer reporting agency removes the protected  
18 consumer security freeze pursuant to subsection 6.

19     3. A consumer reporting agency shall remove a  
20 protected consumer security freeze if the consumer  
21 reporting agency receives a request from the protected  
22 consumer or the protected consumer's representative to  
23 remove the protected consumer's security freeze that  
24 complies with all of the following:

25     *a.* The request is submitted to the consumer  
26 reporting agency at the address or other point of  
27 contact and in the manner specified by the consumer  
28 reporting agency.

29     *b.* In the case of a request by a protected  
30 consumer, the request includes proof that previously  
31 submitted sufficient proof of authority for the  
32 protected consumer's representative to act on behalf  
33 of the protected consumer is no longer valid, and  
34 sufficient proof of identification of the protected  
35 consumer.

36     *c.* In the case of a request by the representative  
37 of a protected consumer, the request includes  
38 sufficient proof of identification of the protected  
39 consumer and the representative, and sufficient  
40 proof of authority to act on behalf of the protected  
41 consumer.

42     *d.* The fee specified in subsection 5.

43     4. A protected consumer security freeze shall  
44 be removed by the consumer reporting agency within  
45 thirty days after the request for removal pursuant to  
46 subsection 3 is received by the consumer reporting  
47 agency.

48     5. *a.* A consumer reporting agency may charge a  
49 reasonable fee, not to exceed five dollars, for each  
50 placement or removal of a protected consumer security

1 freeze. A consumer reporting agency may not charge  
2 any other fee for a service performed pursuant to this  
3 section.

4 *b.* Notwithstanding paragraph "a", a fee may not  
5 be charged by a consumer reporting agency pursuant to  
6 either of the following:

7 (1) If the protected consumer's representative  
8 has obtained a police report or affidavit of alleged  
9 identity theft under section 715A.8 and submits a copy  
10 of the report or affidavit to the consumer reporting  
11 agency.

12 (2) A request for the commencement or removal of a  
13 protected consumer security freeze is for a protected  
14 consumer who is under the age of sixteen years at  
15 the time of the request and the consumer reporting  
16 agency has a consumer credit report pertaining to the  
17 protected consumer.

18 6. A consumer reporting agency may remove a  
19 protected consumer security freeze for a protected  
20 consumer or delete a record of a protected consumer if  
21 the protected consumer security freeze was commenced  
22 or the record was created based on a material  
23 misrepresentation of fact by the protected consumer or  
24 the protected consumer's representative.

25 7. The provisions of sections 714G.8, 714G.10, and  
26 714G.11 shall be applicable to a protected consumer  
27 security freeze.

28 Sec. 5. EFFECTIVE DATE. This Act takes effect  
29 January 1, 2015.>

30 2. Title page, by striking lines 1 and 2 and  
31 inserting <An Act extending security freeze protection  
32 to specified individuals designated as protected  
33 consumers, making penalties applicable, and including  
34 effective date provisions.>

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KLEIN of Washington